



MAIL STOP - PCT  
Docket No. 27622U

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: KAUTZ  
Art Unit: XX  
Appl. No.: 10/591,768  
Examiner: XX  
Filing Date: September 1, 2006  
Confirm. No.: XX  
Intl. Appl. No.: PCT/EP2005/051052  
Intl. Filing Date: March 9, 2005  
Title: **NOVEL THIO-CONTAINING HYDROXY-6-PHENYLPHENANTHRIDINES AND  
THEIR USE AS PDE4 INHIBITORS**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

1. Second Information Disclosure Statement;
2. Second PTO Form-1449 with 4 references cited; and
3. Copy of each reference cited.

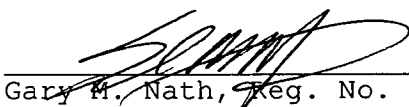
The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

**THE NATH LAW GROUP**

January 18, 2007

**THE NATH LAW GROUP**  
112 South West Street  
Alexandria, VA 22314

  
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Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

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SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

a. ☒ The enclosed second statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

b. ☐ The enclosed second statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed second statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

c. ☐ The enclosed second statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

- ☐ Certification report(e) below; and  
☐ a check in the amount as required by 1.17(p).

d. ☐ The enclosed second statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed second Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed second Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this second Information Disclosure Statement.

or

☐ Appropriate certification is attached.

f. [XXX] If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

g. [XXX] Copies of the documents are attached herewith with a completed second PTO Form-1449.

or

☐ Copies of the documents are not attached, with a completed second PTO Form-1449 as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

[ ] Copies of US Patents/Publications not attached, with a completed second PTO Form-1449 as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached second PTO Form-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the second PTO Form-1449, and return a copy of the initialed second PTO Form-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

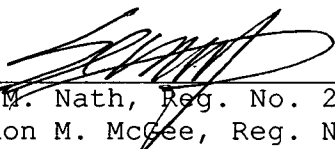
If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

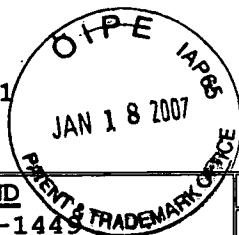
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<b>SECOND</b> <b>PTO FORM-1449</b> <b>INFORMATION DISCLOSURE</b> <b>CITATION</b>		Inventor: KAUTZ		Art Unit: XX	
		Appl. No.: 10/591,768		Examiner: XX	
		Filing Date: September 1, 2006		Confirm. No.: XX	
<b>U.S. PATENT DOCUMENTS</b>					
Exam. Initial		Document No.	Issue/Public. Date	Inventor	Filed Date
<b>FOREIGN PATENT DOCUMENTS</b>					
Exam. Initial		Document No.	Public. Date	Country	Translation
<b>OTHER</b>					
Exam. Initial	(Including Author, Title, Date, Pertinent Pages, etc.)				
/R.D./	A34	Souness, J.E., "Immunosuppressive and anti-inflammatory effects of cyclic AMP phosphodiesterase (PDE) type 4 inhibitors", <u>Immunopharmacology</u> , Vol. 47, Pg. 127-162, (2000).			
/R.D./	A35	Dyke, H.J., et al., "Update on the therapeutic potential of PDE4 inhibitors", <u>Expert Opin. Investig. Drugs</u> , Vol. 11, No. 1, Pg. 1-13, (2002).			
/R.D./	A36	Montana, J.G., et al., "Chapter 5. Phosphodiesterase 4 Inhibitors", <u>Annual Reports in Medicinal Chemistry</u> , Vol. 36, Pg. 41-56, (2001).			
/R.D./	A37	Schmidt, B.M.W., et al., "The phosphodiesterase 4 inhibitor roflumilast is effective in the treatment of allergic rhinitis", <u>J Allergy Clin Immunol</u> , Vol. 108, Pg. 530-536, 2001).			
Examiner  /Rita Desai/			Date Considered  08/21/2009		
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP'609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.					